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FILED

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Petitioner,

No. 430

Respondent.

In

Supreme Court of the State of California, In and for the County of Los Angeles

Brief of the Japanese American Citizens League, Amicus Curiae, in Support of Writ of Certiorari to the Supreme Court of the State of California.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1947

No. 429

TOM D. AMER,

Petitioner.

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES.

No. 430

YIN KIM,

Petitioner.

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES.

Brief of the Japanese American Citizens League, Amicus Curiae, on Petitions for Writs of Certiorari to the Supreme Court of the State of California.

Interest of the Japanese American Citizens League.

The Japanese American Citizens League (JACL) is an organization composed of United States citizens. Membership is open, regardless of race, creed, or color. The JACL is striving for the realization of the goal that

there shall be equal rights and equal opportunity for all, unhampered by the happenstance of race.

The JACL is convinced that any discriminatory treatment of segments of our population, small or large, based solely on the accident of birth, runs contrary to this country's ideal. Accordingly, though its chief interest is with problems pertaining to persons of Japanese ancestry, the JACL is vitally concerned with problems affecting anyone where the issues arise merely because such persons were born or not born of a particular race. It is evident to the JACL that a wrong done one group by reason of its race ultimately curtails the rights of other racial groups and consequently undermines the stability and security of the whole of our society.

The widespread growth of the race restrictive covenant is such a phenomenon which calls for attention by the JACL.

Reason for Granting the Writs.

This Court has already granted petitions in four cases involving the validity of race restrictive covenants. They are *Shelley v. Kraemer,* No. 72; *McGhee v. Sipes,* No. 87; *Hurd v. Hodge,* No. 290, and *Urciolo v. Hodge,* No. 291, all in October Term, 1947.

All four of those cases are concerned with race restrictive covenants as they affect persons of the Negro race. The petitioners in the cases at bar are similarly affected as are petitioners in the four cases above mentioned. They are not, however, Negroes. Petitioner in No. 429 is of Chinese ancestry (R. A. 1), while petitioner in No. 430 is of Korean ancestry (R. K. 1). The cases illustrate how the enforcement of the covenant affects persons of other than Negro birth. They present to this Court the

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actual facts, not by way of judicial notice, of the operation of the race restrictive covenant against persons of other races living in the United States.

The same impelling reasons which urged the granting of the petitions in the four cases above mentioned are, of course, present here—plus the fact that in consideration of the problem, this Court should have before it concrete cases involving persons of different ancestry.

Accordingly it is urged that the Petitions for Writs of Certiorari to the Supreme Court of the State of California be granted.[1]

Respectfully submitted,

SABURO KIDO,
Counsel, Japanese American Citizens League, Amicus Curiae.

FRANK CHUMAN,
Of Counsel.

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[1]Counsel for *amicus curiae* have been advised that counsel for the petitioners and respondents will be ready for argument at the same time the four cases heretofore mentioned are argued in January, 1948, and that any briefs that may be filed would be filed by that time. Counsel for *amicus curiae* understand that this Court has also been so advised. We are further advised that counsel for the parties herein will arrange with counsel in the cases now set for argument, so that no further time for oral argument than that already now allotted by this Court, will be sought.